

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee: Thomas P. Kicher, et al. Attorney's Docket No. KICH.P102USA
Serial or Patent No. _____
Filed or Issued: Herewith
For: FLUID MEASURING DEVICE AND METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☒ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Thomas P. Kicher & Co.

ADDRESS OF CONCERN 2920 Canterbury Court, Willoughby Hills, Ohio 44092

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under §41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year; and concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above entitled invention described in

- ☒ the specification filed herewith
☐ application serial no. _____, filed _____
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed in the ☐ Appendix hereto, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME AND TITLE OF PERSON SIGNING THOMAS P. KICHER

ADDRESS OF PERSON SIGNING 2920 CANTERBURY CT. Willoughby Hills Ohio

SIGNATURE Thomas P. Kicher DATE 6/13/2000

COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: **FLUID MEASURING DEVICE AND METHOD**

the specification of which

☒ is attached hereto, or

☐ was filed as United States Application or PCT International Application (*give Express Mail label number and deposit date if Application number not yet known*):

Application No.:
(*Express Mail Label No.*)
Filing Date:
(*Deposit Date*)
Amended on (*if applicable*):

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations § 1.56(a).

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose material information as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| Application No. | Filing Date | Patent Number |
|-----------------|-------------|---------------|
| | | |

CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATION(S) UNDER 35 U.S.C. 119(e)

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) that is/are listed below

| Application No. | Filing Date |
|-----------------|---------------|
| 60/141,156 | June 28, 1999 |

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

| Name | Registration No. | Name | Registration No. |
|-----------------|------------------|-------------------|------------------|
| Warren A. Sklar | 26,373 | Jonathan A. Platt | 41,255 |

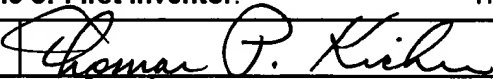
Send Correspondence To:

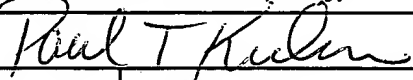
Jonathan A. Platt
Renner, Otto, Boisselle & Sklar, LLP
1621 Euclid Ave. - 19th Floor
Cleveland, Ohio 44115

Direct Telephone Calls To:

Name: Jonathan A. Platt
Tel. No: 216/621-1113
Fax No: 216/621-6165

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therein.

| | | | |
|---|---|------------------|-----------|
| Full Name of Sole or First Inventor: | | Thomas P. Kicher | |
| Inventor's signature: |  | Date: | 6/13/2000 |
| Residence: (City & State/Country): | Willoughby Hills, Ohio | Citizenship: | US |
| Post Office Address: | 2920 Canterbury Court, Willoughby Hills, Ohio 44092 | | |

| | | | |
|---|---|----------------|-----------|
| Full Name of Additional Joint Inventor (if any): | | Paul T. Kicher | |
| Inventor's signature: |  | Date: | 6/13/2000 |
| Residence: (City & State/Country): | Wickliffe, Ohio | Citizenship: | US |
| Post Office Address: | 1916 Ridgehurst Drive, Wickliffe, Ohio 44092 | | |

CHECK FOR ANY OF THE FOLLOWING ADDED PAGES(S) WHICH
FORM A PART OF THIS DECLARATION

- ☐ Signature for third and subsequent joint inventors. Number of pages added ____.
- ☐ Added page to combined declaration and power of attorney for divisional, continuation, or continuation-in-part (CIP) application.
- ☒ This declaration ends with this page.

End of Declaration and Power of Attorney (D-US-1.FRM)

R:\JPKICH\IP0102USA\IP0102usa.declaration